

(MR. SPEAKER)

attend the sittings of the House, there is no objection.

Sri C. J. MUCKANNAPPA.—It is a point which I had to refer to the Chair because I wanted to have the position clarified.

Mr. SPEAKER.—It is a question on which anybody can use his commonsense.

MYSORE SLUM AREAS (IMPROVEMENT AND CLEARANCE) BILL, 1958.

Motion to consider (contd.)

*Sri B. D. JATTI (Chief Minister).—Yesterday a point was raised about the expenditure likely to be incurred about the Mysore Slum Areas (Improvement and Clearance) Bill, 1958. Government will be giving the statement now. As there is general agreement that the time allotted to the Bill by the Business Advisory Committee should be extended, I request under Rule 23 (g) of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly that the time allotted to this Bill be extended by one hour.

Mr. SPEAKER.—I suppose that the general sense of the House is that the time may be extended by one hour.

HON'BLE MEMBERS.—Yes.

*Sri T. SUBRAMANYA (Minister for Law, Labour and Local Self-Government).—With regard to the financial memorandum, I have got a full note on slum clearance schemes prepared. I will read it for the information of Hon'ble members of this House.

The Central Government have approved a scheme costing Rs. 75 lakhs for the State during the Second Five-Year Plan period.

Financial Assistance: (a) Central assistance to State Governments will be in the shape of loans and subsidies to the following extent:

- (i) 25 per cent of the approved cost of project as subsidy, provided that the State

Governments concerned contribute an equal amount as a matching subsidy from their own resources;

- (ii) 50 per cent of the cost as loan.

(b) The Central loan will carry the usual rate of interest and will be repayable in 30 annual equated instalments. Interest will be payable from the date of advance and repayment will commence from a date two years after the payment of the last instalment.

(c) The responsibility for repayment of loans rests on the State Government even though slum clearance projects may normally be executed through local bodies or other agencies approved by the State Government.

According to the proportion fixed as above, the Central share and the State share of the cost of the schemes for the II Five-Year Plan will be as follows:

Central share:	Rs. 56 lakhs
(25% subsidy)	Rs. 19 lakhs).
(50% loan)	Rs. 17 lakhs)
State share:	Rs. 19 lakhs
(25% matching subsidy).	

The first instalment of loan not exceeding the actual cost of acquisition will be advanced when acquisition proceedings are finalised and the amount becomes payable to owners. The balance will be advanced in one or two instalments.

Subsidy will be payable as follows;

- (i) 50 per cent when essential services have been provided;
- (ii) 40 per cent on completion of the projects;
- (iii) 10 per cent on receipt of audited accounts of the projects.

The schemes prepared by the municipalities on the basis indicated by the Government of India are being sent to the Central Government for approval. So far schemes as detailed below involving a total expense of Rs. 28,83,006 have been sanctioned by the Government of India.

<i>Name of scheme</i>	<i>No. of schemes</i>	<i>Cost of the scheme</i> Rs.
Hubli Municipality ...	2	1,59,400
Mysore City ...	1	2,62,500
Bangalore Corporation	7	17,89,600
Mercara Municipality	1	1,57,000
Mangalore Municipality	1	5,14,506
	12	28,83,006

(which includes a provision of Rs. 1,36,506 to be met out of municipal funds being over the ceiling fixed by the Central Government for the construction of 108 tenements)

Out of the balance of Rs. 27,46,500, the Central grant is Rs. 6,86,625, Central loan Rs. 13,73,250 and the State grant Rs. 6,86,625.

Schemes pending with the Government of India :

Corporation, Bangalore	22,88,750
Raichur Municipality	2,00,000
Bellary Municipality	3,35,000
	28,23,750

Schemes returned by the Government of India with observations for retransmission after necessary modifications by the concerned local authority :

Davangere ...	3,06,900
Dharwar ...	1,88,100
	4,95,000

There is a balance of Rs. 13 lakhs in Plan provision for which schemes have not yet been prepared.

This year the State Government have provided Rs. 6 lakhs towards grants for slum clearance under "39 Public Health 6 schemes under the Second Five-Year Plan, Grants-in-aid to Municipalities and Local Bodies and Rs. 6,00,000 lakhs loans for slum clearance under "P Loans."

The schemes are composite estimates for cost of acquisition and development and figures of cost of acquisition are not available separately.

The Financial Memorandum would be like this:

The Bill provides for expediting the procedure for acquisition of slum areas and also for limiting the cost of acquisition. The expenditure from the Consolidated Fund of the State for implementing the Slum Clearance Schemes is expected to be about 12 lakhs during the year 1958-59. Out of this sum of 12 lakhs, Rs. 6 lakhs is loan provided under "P Loans (Page 447 of the Budget) and Rs. 6 lakhs is grant provided under "39 Public Health" (page 151). The expenditure during the future years will be determined when the schemes are worked out and necessary provision will be included in the Budget.

Mr. **SPEAKER**.—The Hon'ble Minister concerns will reply.

Sri J. B. MALLARADHYA (Nanjangud).—The time of the House for the consideration of this Bill was extended in view of the fact that there was inadequate information and that information was accepted to be furnished today. The Hon'ble Chief Minister moved that one more hour might be allotted for this Bill. I do not think the Minister was asked to reply. There are some other members who are anxious to speak on this Bill.

Mr. **SPEAKER**.—After all I have to read the Bill in all its stages. That means I will have to take half an hour and there are also amendments. There will also be some speeches on the amendment. That is why I would now like to know whether the Minister concerned will give a reply.

Sri A. BHEEMAPPA NAIK (Challakere).—The Bill is put before the House for one more hour. Therefore, it is very necessary that members should be given some more time to discuss this Bill after getting the financial memorandum. I request the Speaker to allow us to discuss this Bill at least for half an hour more.

Mr. **SPEAKER**.—After all I have at my disposal one hour. That time will have to be divided for all the stages of the Bill. For reading the Bill clause by clause it will take more than half an hour because there are a number of amendments and if that be so, I cannot

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accommodate the members if at all they want to take part in this discussion within such a short time.

Sri T. SUBRAMANYA.—Sir, during the general debate on this Bill several doubts have been expressed by the Hon'ble Members and several clarifications have been sought for. The first question dealt with is whether this Bill applies to slums wherein unauthorised constructions have sprung up on Government and Municipal lands. To give a categorical answer, the slum is slum whether it is a private land, or municipal land or Government land. The Bill includes all the areas to be included as slums by the competent authority whether they are situate on Government lands or on private lands or on municipal lands and we expect to take up the schemes as and when they are sanctioned. The next point that was urged before this House is that slums are created by unauthorised construction because of the various industries located in this town. The industries are springing up in this city and we have recently told that hereafter all industries will be located outside Bangalore wherever possible.

10 A.M.

We cannot make a hard and fast rule, but so far as the Government is concerned, we will try to persuade all the people who come forward to open new industries to locate them in places a little far away from Bangalore.

In the satellite towns to be set up near about Bangalore and similar towns to be set up by different municipalities I have requested the Trust Board, the Corporation and the Municipalities to allot sufficient space for the township to grow. This scheme will be worked up and satellite towns will be encouraged to grow hereafter round about Bangalore City.

It was suggested that the definition of 'slum area' might be included in section 2. Slum area means any area so declared by the competent authority. If an amendment is moved, I will have no objection to accept it even though it is unnecessary because it is included in section 3. The competent authority

can declare a particular area as a slum area and therefore I feel there is no necessity to reiterate it once again in the definition section. Still, if the Hon'ble Members want it to be made clear, I will have no objection.

Some Hon'ble Member suggested that we had no Town Planning Act at all. There are some provisions which govern town planning. A comprehensive draft is ready with regard to town planning and I will be placing it before this House, if not in this session, in the next session.

Some Hon'ble Member suggested that the cost of maintenance of works of improvement and amenities must be met by the owners and not by the occupiers. It is not the cost of improvement that is met by the occupier; it is the cost of maintenance of works of improvement that is met by him and that is expected to be met by the occupier. Therefore, I feel there is no necessity for a change in section 6.

The other sections over which there has been some discussion are sections 7 and 10 which deal with appeals. The Hon'ble Members will kindly see section 10. It reads:

"As soon as may be after the competent authority has declared any slum area to be a clearance area, it shall make a slum clearance order in relation to that area ordering the demolition of each of the buildings specified therein and requiring each such building to be vacated within such time as may be specified in the order and submit the order to the State Government for confirmation."

No appeal is provided for against the confirmation order of Government. Subsequently, there is a proviso which says:

"Provided that an owner who is aggrieved by a restriction or condition so imposed on the user of his land or by a subsequent refusal of the competent authority to cancel or modify any such restriction or condition may at any time appeal to the State Government and the State Government shall

make such order in the matter as it thinks proper and its decision shall be final."

One of the Hon'ble Members wanted to know whether this was an appeal against the confirmation order. I beg to submit that it is not an appeal against the confirmation order at all. It is with regard to the development orders that might be passed by the competent authority. If in the process of redeveloping a plot of land any order is passed, that order is appealable to the Government by the aggrieved party.

Then, I come to section 12. Who is to acquire the land? There must be some agency other than the Government to acquire land. Either the municipality or some other agency must be there. Usually, on the initiative of a particular municipality or local authority the Government orders acquisition. In this case, the Government will order acquisition of the property at the instance of the competent authority.

Sri J. B. MALLARADHYA.—May I ask for a little clarification, Sir? The Hon'ble Minister seemed to make a distinction between an order of confirmation and an order relating to redevelopment or improvement. Is it the intention of Government that when a redevelopment order which is even more important than a slum clearance order is passed, it should not be sent to Government for confirmation?

Sri T. SUBRAMANYA.—That is not the intention. If the party feels aggrieved about a redevelopment order, he may come in appeal.

As soon as land is acquired it will be free from all encumbrances. A doubt was expressed by some Hon'ble Members in this behalf. They asked, "What about the mortgagees who have a right in the property"? Will they lose their money? Then and there it was answered that all these questions would be gone into and that if anything was due to the mortgagees, they would be paid out of the compensation amount. All those claims will be settled and if a man is aggrieved, he has a right to appeal to the District Court.

Then, I come to section 15 which deals with the basis for determination

of compensation. The House will kindly note that we have fixed 60 times the net average monthly income actually derived from the land. This is very clear. I think it was the Hon'ble Member Sri Mallaradhya who said that the Government of India had provided for more compensation in their Act.

Sri J. B. MALLARADHYA.—I was referring to the Delhi Development Act of 1957 in which they have fixed the compensation at market rate. I was prevented by the then Speaker from explaining as to what I meant by market rate.

Sri T. SUBRAMANYA.—I am going to read the particular section relating to this aspect from the Slum Areas (Improvement and Clearance) Act, 1956 of the Government of India. It is as follows :—

"The amount payable as compensation in respect of any land acquired under this Act shall be an amount equal to sixty times the net average monthly income actually derived from each land during a period of consecutive years immediately preceding the date of publication of notice referred to in section 10."

We have fixed sixty times because we feel that is the rock bottom to which we can go. In a city like Bangalore the cost of acquisition will go up very high if this limit is not fixed.

Sri J. B. MALLARADHYA.—The Hon'ble Minister is thinking of Bangalore only and no other place. He is going to apply this Act to ten other towns in the Mysore State. The value of land is not very high in every case.

Sri K. S. SURYANARAYANA RAO (Mysore City).—That could be changed to "not exceeding"...

Sri T. SUBRAMANYA.—I feel it is not necessary. It should not be reduced below 60 times, nor can it be more. "Sixty times", I beg to submit is a very reasonable amount. In some of the areas in Bangalore City, and in Raichur and in Hubli—I had a representation yesterday—the land value has gone up very high in all towns. These schemes that are now on hand are

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particularly in regard to towns. Everywhere the land price has gone up very high. Today in Bangalore each acre costs thirty to forty thousand rupees; if market value is to be given for a piece of land to be acquired it would be unjust, as the Hon'ble Member Sri Hanumanthaiya said. We do not want to give market value but we want to give just compensation to the holder of the land who gets enormous sums if market value is given. By force of circumstances and by the benefit of present development, he gets an amount which he does not deserve. Therefore we have to take 60 times the net rental value which I feel is on all hands very just.

Sri J. B. MALLARADHYA.—The other alternative I suggested was that in case of refusal or non-compliance by mutual agreement between the Government or authorities who acquire the land and the party the amount might be decided and fixed. That is what is followed even in Delhi. The Hon'ble Minister is following Delhi model.

Sri T. SUBRAMANYA.—Mutual agreement is not ruled out at any time if there should be. But under no circumstances can an agreement go beyond 60 times the rental value of the land and benefit the owner of the land.

Sri F. H. MOHSIN (Hubli City).—May I know the amount of compensation that will be paid to a person when an order is passed under section 10 for the slum clearance?

Sri T. SUBRAMANYA.—I was about to answer that. I will first deal with general observations made by certain members.

*Sri G. VENKATAI GOWDA (Palaiyam).—The relevant section says that compensation should be apportioned between the owner of the land and the owner of the building on the same land. But there is a proviso limiting the amount of compensation that should be paid to the owner of the building not exceeding 50 per cent. Supposing the monthly rental of the building is 80 per cent and of the land is 20 per cent, is there any justification to deprive the

owner of the land to get less compensation than he deserves?

Sri T. SUBRAMANYA.—The maximum is fixed at 50 per cent because in Bangalore, in Hubli, Raichur, everywhere the rents have gone up by leaps and bounds. We cannot fix the compensation on the ratio of present rental value. Hence we have said that under no circumstances a person can get more than 50 per cent as compensation.

Sri G. VENKATAI GOWDA.—You are going to fix up compensation suitably for land as well as for building and out of that compensation, you say, the owner of the building should not be paid more than 50 per cent. My submission is that he should not be deprived of more compensation if he gets a monthly rental value of more than 50 per cent.

Mr. SPEAKER.—I would like to bring to the notice of the House that we have already taken 25 minutes and there are only 35 minutes left for reading the Bill clause by clause. We have to rise for recess now. So I would request the Hon'ble Minister to finish his speech as early as possible.

Sri T. SUBRAMANYA.—I shall finish it in five or ten minutes.

Mr. SPEAKER.—We shall now rise for recess and meet again after half an hour.

The House adjourned for recess at Fifteen Minutes past Ten of the Clock and re-assembled at Forty-five Minutes past Ten of the Clock.

[MR. SPEAKER in the Chair]

Sri T. SUBRAMANYA.—The next section to which I would like to refer is section 19. There the rights of tenants have been protected against eviction. Hon'ble Members questioned the propriety of what they termed as nullifying the effects of a decree. But in this case it is not so. We are not here going to nullify the decree; we are only preventing eviction because suppose an order is passed by a competent authority and persons in

different places are evicted; we will have to provide accommodation for all people. That would be very difficult. Therefore we have said that he should not be evicted without previous permission of the competent authority even if he has obtained a decree or order for the eviction of the tenant. And if the competent authority rejects, appeal is provided to the Divisional Commissioner. Therefore it is not unreasonable. In section 30 (5) it is said that the decision of the Divisional Commissioner on appeal shall be final and shall not be questioned in any court. Mr. Speaker, you will bear with me when I say that the provisions of this Act are subjected to and controlled by the provisions of the Constitution. If under ordinary law any person has a right to file a writ before the High Court he is not precluded.

The other section that has been referred to is section 32. They say that the penalty provided in this section is very heavy and it should not provide for imprisonment.

Sri J. B. MALLARADHYA.—It is not stated whether it is simple or rigorous imprisonment.

An HON'BLE MEMBER.—It is left to the discretion of the judge.

Sri G. VENKATAIGOWDA.—If it is said "imprisonment" it means rigorous imprisonment.

Sri T. SUBRAMANYA.—Where in a statute provision is not made for imprisonment of a severe type, ordinarily it means simple imprisonment.

Sir, they object to Clause (4) of 32 which reads:

"If the person committing an offence under this Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any

punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence."

If without his knowledge or concurrence an offence is committed, he is not guilty at all. That provision is necessary, so that orders are not disobeyed by the companies.

So far as the general observations are concerned, I can assure the Hon'ble Members that the Government are as sympathetic if not more—I would claim more, but I do not want to say it—as the Hon'ble Members are towards these poor hut-dwellers. Many of them are there because of necessity. They have no other place. They cannot be ousted and left on the foot-path of Bangalore. That becomes a nuisance. What we are already doing in Bangalore—I would like to bring to the notice of the Hon'ble Members, is this: In Goripalya, we wanted to clear the slums. Plinths or plitforms have been built and it will be allotted to the slum dwellers in the neighbourhood. As soon as they evict the place the area will be developed. Platforms will be built and some more sites will be given to those hut-dwellers. Mr. Speaker, the Hon'ble Members will kindly note that in Anjanappa Gardens, there is a very bad slum. We wanted to clear it six months back. But as soon as I went to the spot, I said that unless we provided alternate sites to put hutments we could not evict them. In the neighbourhood, we have arranged for sites and we have requested the people to go there so that we may improve the slum.

Sri F. H. MOHSIN.—Will this be done for every slum?

Sri T. SUBRAMANYA.—Everywhere unless alternate sites are provided for them, we are not going to evict them. But we only want their co-operation and that too temporarily. For their own benefit and for their own good, they will kindly co-operate with us.

Sri F. H. MOHSIN.—Sir, the Hon'ble Minister is not referring to the rehabilitating question. The Bill seeks only to shift the people. Our suggestion all along was that slum clearance would not be successful unless the slum dwellers were rehabilitated. In fact the Planning Commission have stressed that the very essence of the scheme was that. But here the Hon'ble Minister has not stated anything about the rehabilitation scheme.

Sri T. SUBRAMANYA.—We are rehabilitating so far as accommodation is concerned. If rehabilitation includes employment also, I am sorry we cannot undertake that under this scheme or any of the provisions of Municipal laws. There are separate laws for that purpose. They will be enforced. So far as rehabilitation with regard to accommodation is concerned, we will either give them alternate sites or ready-made platforms or we will give them separate dwelling places before we order eviction. With these observations, I commend this Bill for the consideration of the House.

Sri V. P. DEENADAYALU NAIDU (Cubbonpet).—What are the steps that Government propose to take to prevent the growth of slums in the neighbourhood? For instance, slum clearance may start in one place, but in an adjacent area it may grow up. How do you prevent the growth of slums simultaneously as you take up the clearance of slums?

Sri T. SUBRAMANYA.—We have authorised the Deputy Commissioners to enforce the provisions of the Land Revenue Code and under the rules framed and to see that no constructions are put up unauthorisedly on any of the revenue lands. My friend also knows that we have recently ordered the pulling down of certain hutments put up in the neighbourhood of the Corporation area. We are enforcing the law to prevent further growth of the slums.

Mr. SPEAKER.—The question is:

“That the Mysore Slum Areas (Improvement and Clearance) Bill, 1958, be taken into consideration.”

The motion was adopted.

Mr. SPEAKER.—The Bill will be put clause by clause. There are some amendments moved by Sri Narasimhan. He is not here. I will therefore put all the clauses.

The question is:

“That Clauses 2 to 40, both inclusive and the first schedule and the second schedule stand part of the Bill.”

The motion was adopted.

Clauses 2 to 40, both inclusive and the first and the second schedules were added to the Bill.

Mr. SPEAKER.—The question is:

“That Clause 1, the Title and the Preamble stand part of the Bill.”

The motion was adopted.

Clause 1 the Title and the Preamble were added to the Bill.

Motion to pass

Sri T. SUBRAMANYA.—Sir, I move:

“That the Mysore Slum Areas (Improvement and Clearance) Bill, 1958, be passed.”

Mr. SPEAKER.—The question is:

“That the Mysore Slum Areas (Improvement and Clearance) Bill, 1958, be passed.”

The motion was adopted.

MADRAS CULTIVATING TENANTS PROTECTION (MYSORE AMENDMENT) BILL, 1958.

Motion to consider.

Sri Kadidal MANJAPPA (Minister for Revenue).—Sir, I beg to move:

“That the Madras Cultivating Tenants Protection (Mysore Amendment) Bill, 1958, be taken into consideration.”

Mr. SPEAKER.—Motion moved:

“That the Madras Cultivating Tenants Protection (Mysore Amendment) Bill, 1958, be taken into consideration.”